

Chris Grivakes

From: Johnson, Ashley E. <AJohnson@gibsondunn.com>
Sent: Tuesday, August 25, 2020 11:41 AM
To: Chris Grivakes; McRae, Marcellus
Subject: RE: Amended Complaint and Proposed Order

Chris –

AT&T cannot stipulate to this amended complaint. While the parties previously discussed, and AT&T could stipulate to, Ross's prior version of his proposed amended complaint that simply added One Touch as a defendant, this amendment (i) adds a claim against AT&T (Count V, Concealment) and (ii) adds a basis for punitive damages (Count 4, Negligence). Under the Court's scheduling order, Plaintiff was to amend pleadings by June 4, and must demonstrate good cause to amend the pleadings after that date. Plaintiff has no good cause for either of these proposed additions, both of which are based on allegations that could have been included in the initial complaint.

Accordingly, AT&T opposes Mr. Ross's motion to file the attached amended complaint. AT&T remains willing to consider stipulating to a more limited addition along the lines of what the parties previously discussed.

Best,
Ashley

Ashley Johnson

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From: Chris Grivakes <cg@agzlaw.com>
Sent: Monday, August 17, 2020 5:17 PM
To: McRae, Marcellus <MMcRae@gibsondunn.com>; Johnson, Ashley E. <AJohnson@gibsondunn.com>
Subject: Amended Complaint and Proposed Order

[External Email]

Here is the red-lined revised First Amended Complaint and proposed Order on Stipulation.

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